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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,039	03/13/2001	Hidefumi Yoshida	1095.1166	8847

21171 7590 03/14/2005

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EXAMINER

SHAH, ANKEETA

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/804,039

Applicant(s)

YOSHIDA, HIDEFUMI

Examiner

Ankeeta Shah

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/13/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.                                                             | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,3,7 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy (US PAT 6,260,024).

**Re Claim 1,7 and 8:** Shkedy discloses: A transaction supporting apparatus, method and computer-readable recording medium for supporting making payment of a transaction comprising: transaction-detail registering means (i.e. Data storage device, see col9, lines 54-57) for registering details of a transaction (i.e. in the database see col9, lines 54-60); payment information notifying means for notifying a buyer of payment information (see col10, lines 48-52); and charging means for charging for the transaction via a credit card(see col19, lines 29-31).

Shkedy does not disclose: payment confirming means confirms that the payment has not been made by the deadline. However it is well known to one having ordinary skill in the art at the time of invention was made that that when a seller does not receive a payment the seller would have contacted the buyer and requested the buyer to send the payment to the seller. For example, when a person does not pay the electric bill, a letter

is sent reminding to make the payment by certain date or else the power would be disconnected.

Thus, one of ordinary skill in the art at the time of the invention would have been motivated to have a payment confirming means in the system of Shkedy to provide the buyer a reminder to make the payment.

**Re Claim 2:** Shkedy does not disclose: The transaction supporting apparatus, further comprising means for sending to the buyer a reminder message which reminds the buyer of payment when the payment confirming means confirms that payment has not been made by the deadline, said charging means charges for the transaction via the credit card when a given period described in the reminder message has expired.

It is well known in the art that when a seller does not receive a payment the seller would send a reminder message to the buyer and request that the buyer sends the appropriate payment.

In addition, Shkedy discloses a payment database storing the credit card number of a buyer (see col10, lines 61-62). Thus if the buyer fails to pay within a deadline then it would have been obvious that the seller would charge for the transaction.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Shkedy for seller to obtain payment that is due to the seller.

**Re Claim 3:** Shkedy does not disclose: The transaction supporting apparatus, further comprising means for remitting to the seller an amount obtained by subtracting a given service fee from an amount paid by the buyer.

As per this limitation business logic would have dictated that when a transaction occurs the seller will charge a fee for his services to the buyer.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Shkedy so the seller can charge a fee for maintenance of their system.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy in view of Pitroda (US PAT 5,590,038).

Shkedy does not disclose: The transaction supporting apparatus, further comprising means for making a transfer into an account of the buyer, said charging means charges for the transaction via the credit card if said payment confirming means confirms that said account of the buyer does not have a balance sufficient to the payment to be made by the buyer.

Pitroda discloses that a buyer provide more than one account (i.e. credit card account numbers, bank account numbers, see col3, lines 19-20) in which to make a payment (see col 3, lines 18-24). Thus if one account does not have sufficient funds then checking for funds in another account would have been obvious to do.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Shkedy by adapting the teaching of Pitroda to give

the buyer alternative means of payment to facilitate and ensure that the transaction is finalized.

4. Claims 4 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy in view of Martinez (US PAT 5,208,446).

**Re Claim 4:** Shkedy discloses: The transaction supporting apparatus, further comprising means for inputting card information necessary to charge for the transaction via the credit card (see col5, lines 63-65).

Shkedy does not disclose: card information being information that a delivery service agent who delivers a product to the buyer directly obtains from the buyer at the time of a first transaction by the buyer.

Martinez discloses: card information being information that a delivery service agent who delivers a product to the buyer directly obtains from the buyer at the time of a first transaction by the buyer (see Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Shkedy by adapting the teaching of Martinez to give the buyer more options such as paying during the delivery of the product.

**Re Claim 6:** Shkedy does not disclose: The transaction supporting apparatus, further comprising means for requesting a home-delivery service agent to deliver a product purchased by the buyer and notifying the home-delivery service agent of information

about the buyer, said information about the buyer including an address of a delivery destination.

Martinez discloses: The transaction supporting apparatus, further comprising means for requesting a home-delivery service agent to deliver a product purchased by the buyer and notifying the home-delivery service agent of information about the buyer (see col2, lines 45-47) said information about the buyer including an address of a delivery destination (see col2, lines 45-47).

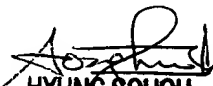
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Shkedy by adapting the teaching of Martinez to give the buyer the option of getting a home delivery and paying during the delivery of purchased products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ankeeta Shah whose telephone number is (703)305-0853. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703)308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
HYUNG SOUH  
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